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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 ECONOMY PREMIER ASSURANCE  
9 COMPANY,

10 Plaintiff,

11 v.

12 TEK-LINE CONSTRUCTION INC.,  
13 IAN EVENS, TED WATSON, SCOTT  
14 M. MORRISON, AND CAROL L.  
15 MORRISON,

16 Defendants.

C19-6 TSZ

MINUTE ORDER

17 The following Minute Order is made by direction of the Court, the Honorable  
18 Thomas S. Zilly, United States District Judge:

19 (1) The stipulated motion filed by the parties to vacate the Judgment by the  
20 Court and reopen this action for further proceedings, docket no. 40, is DENIED.  
21 Although the parties fail to properly reference it, they seek relief under Federal Rule of  
22 Civil Procedure 60(b)(6), which authorizes the Court to relieve a party from a final  
23 judgment for “any other reason that justifies relief.” A district court “employ[s] an  
equitable balancing test to determine whether to vacate its own unreviewed judgment,  
mooted by the voluntary action of the parties.” *Am. Games, Inc. v. Trade Prods., Inc.*,  
142 F.3d 1164, 1167 (9th Cir. 1998). The court’s orders “are not merely the property of  
private litigants and should stand unless a court concludes that the public interest would  
be served by a vacatur.” *U.S. Bancorp Mortg. Co. v. Bonner Mall P’ship*, 513 U.S. 18,  
26 (1994). The parties do not cite any public interest that would be served by vacatur in  
this case. This Court has already closed the case pursuant to its ruling on the Motion for  
Summary Judgment, and any appeal is now untimely. Vacatur would not promote the

1 conservation of judicial resources. The public's interest is in settlement *before* all the  
2 Court's work is done. Vacatur would also not promote early settlement because it  
3 encourages parties to "roll the dice" in obtaining a favorable ruling, while giving them  
4 the opportunity to "wash[] away" any "unfavorable outcome . . . by a settlement related  
5 vacatur." *Id.* at 28. Instead, granting the parties' motion will encourage other parties to  
6 do in the next case exactly what the parties did here—settle only *after* the Court resolves  
7 the Motion. Moreover, the parties provide no explanation for their belated request. The  
8 parties waited nearly two months after the Court entered its Judgment to inform the Court  
9 of settlement. The Court therefore exercises its discretion to decline to set aside or vacate  
10 the previous judgment entered in this case.

11 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of  
12 record.

13 Dated this 2nd day of December, 2019.

14 William M. McCool  
15 Clerk

16 s/Karen Dews  
17 Deputy Clerk